

Court No. - 74

Case :- APPLICATION U/S 528 BNSS No. - 19011 of 2025

Applicant :- Mahendra Vishwakarma

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Rajendra Prasad Mishra, Satyam Mishra, Vinay Kumar Sharma

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Pachori, J.

Heard Shri Rajendra Prasad Mishra, learned counsel for the applicant and Sri Chavipal Singh, learned A.G.A. for the State.

The present application under Section 528 of Bharatiya Nagarik Suraksha Sanhita, has been filed to quash the entire proceedings of Complaint Case No. 153 of 2016, as well as cognizance/summoning order dated 19.02.2025 by which the learned Magistrate took cognizance under Sections 379, 417, 448 of I.P.C., Police Station- Jalalpur, District Jaunpur, pending in the court of Additional Chief Judicial Magistrate, Ist, Court No. 12 Jaunpur.

Learned counsel for the applicant submits that the complaint dated 28.04.2016 has been lodged on the basis of false and frivolous allegations with ulterior motive and only to harass the present applicant. It is further submitted that as per allegations of the complaint, all the allegations are related to purely civil dispute and a civil dispute being Original Civil Suit No. 1393 of 2011 (Siddhraj @ Dheeraj Vs. Smt. Munacca Devi and others) and Civil Suit No. 694 of 2024 (Pradeep Kumar Vs. Mahendra Kumar and others) are pending with regard to subject matter of the complaint between the parties.

It is further submitted that one F.I.R. has been lodged by the applicant's side against the complainant and other persons on 06.12.2022 under Sections 419, 420, 467, 468, 471 of I.P.C. It is further submitted that the complainant converted a civil dispute into a criminal case.

Prima facie, matter requires consideration.

Notice on behalf of opposite party no. 1 has been accepted by

learned A.G.A.

Issue notice to opposite party no. 2 returnable at an early date.

Learned A.G.A. as well as opposite party no. 2 may file their counter affidavits within two weeks. Rejoinder affidavit may be filed within one week thereafter.

List after eight weeks.

Until further orders of this Court, further proceedings of the aforesaid case, shall remain stayed against the applicant.

Order Date :- 1.7.2025

Ishan